

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

MAY 02 2025

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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JESSE MICHAEL WALL,

Appellant,

v.

UNITED STATES; DISTRICT OF COLUMBIA, et al.,

Appellees.

Case No. 25-5103

MOTION TO EXTEND FILING PERIOD AND RESCHEDULE PROCEDURAL
ORDER

COMES NOW the Appellant, Jesse Michael Wall, *pro se* and *in forma pauperis* pursuant to 28 U.S.C. § 1915, respectfully moving this Honorable Court to extend the filing period and reschedule procedural deadlines set in this matter. In support thereof, Appellant states the following:

1. In Forma Pauperis Status

On April 3, 2025, the Clerk of the District Court transmitted the Notice of Appeal, Memorandum Opinion, and Docket Sheet to this Court. The transmission confirmed that a Motion to Proceed In Forma Pauperis ("IFP") had been filed. Accordingly, Appellant proceeds under 28 U.S.C. § 1915.

2. Service and Clerk Acceptance by Electronic Means

The language of 28 U.S.C. § 1915 includes a statutory provision for the Clerk to serve process when a plaintiff is granted IFP status. Per Fed. R. App. P. 25(b)(2)(B), service via electronic means is valid where the recipient has consented in writing.

The Clerk of the District Court expressly accepted service and filing by email communications dated April 3, 2025, in connection with Docket Entry 37. This constitutes consent under Rule 25(b)(2)(B).

3. Catch-22 Clause Under § 1915

The operation of § 1915 creates a procedural Catch-22 where Appellant must rely on the Clerk to effectuate service and filing, while procedural deadlines continue to run. Appellant respectfully asserts that the timely electronic submission and Clerk's consent

to service by email fulfill the statutory requirements.

4. Mail Delivery Issues and Need for Relief

Appellant's address on file was outdated, with the correct address updated as of September 23, 2024. Due to clerical error, relevant mail was not received, resulting in a delay beyond Appellant's control. A filing deadline is scheduled on May 5, 2025, for judicial review, consistent with procedural orders and pending deadlines, relief and extension is warranted.

5. Request for Extension and Adjustment of Schedule

In light of the above, Appellant respectfully requests a **five (5) day extension** from the date of CM/ECF filing approval or recognition of filing by email to allow compliance with all procedural obligations. The requested extension is minimal, will not prejudice the Appellees, and is warranted by the equitable considerations presented. Also, allow of both email, and CM/ECF to the clerk J Castillo jcastillo@dcappeals.gov as the IFP indicative language states by "sending it by other electronic means"

WHEREFORE, Appellant respectfully moves this Honorable Court to:

1. Extend the filing deadline by **five (5) days** from CM/ECF approval or formal acceptance of email submission;
2. Reschedule and adjust any procedural orders that depend upon the initial service and filing period;
3. Grant such other relief as may be just and proper in light of the procedural constraints of pro se IFP filing under 28 U.S.C. § 1915.

Respectfully submitted,

DATED: May 2, 2025

/s/ **Jesse Michael Wall**

Jesse Michael Wall

Pro Se Appellant

[Treaty Holder – Contact Information]

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Updated address as of Sept 23 2024 : 2401 Virginia Ave NW Washington DC 20037

